

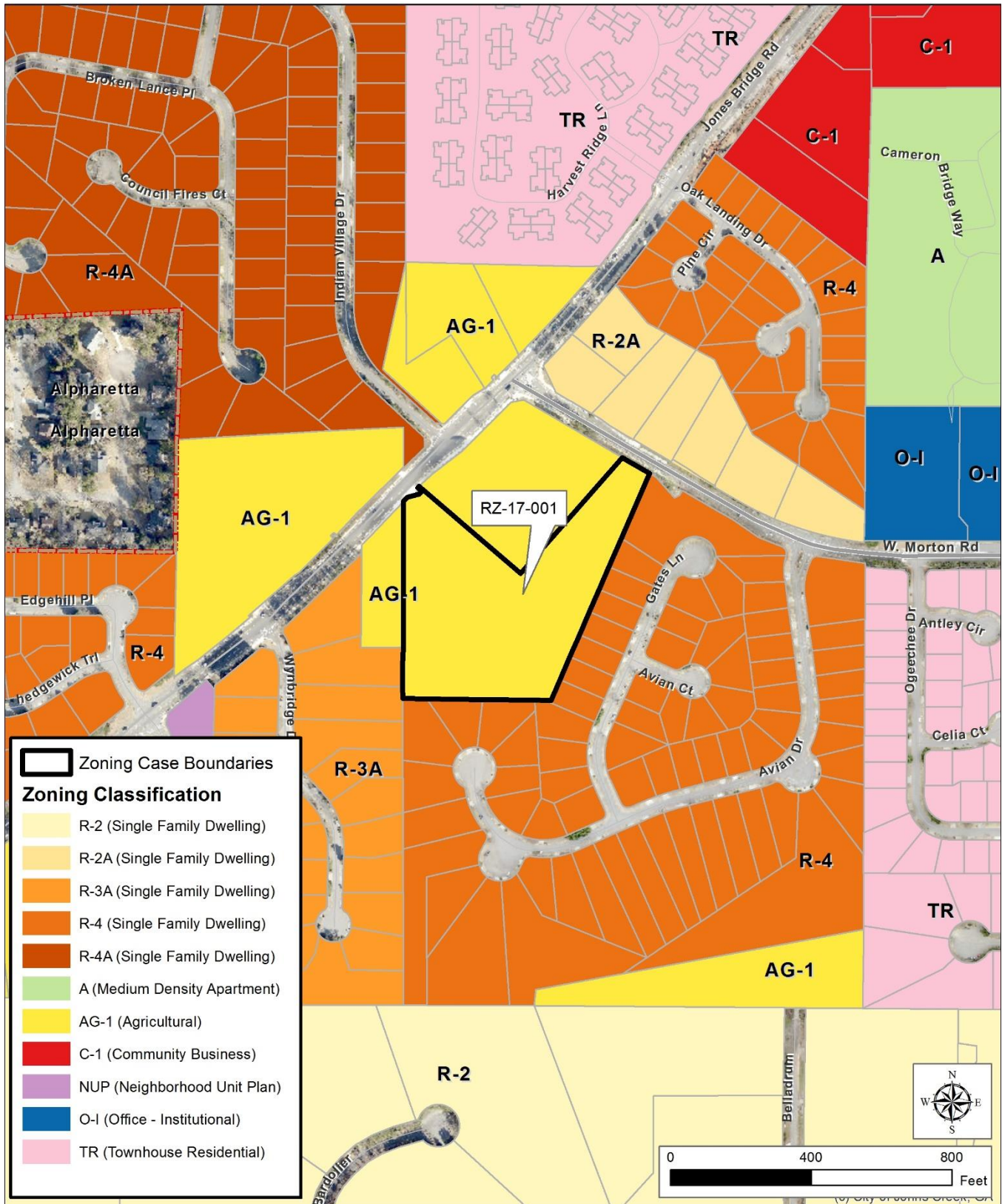


Land Use Petition RZ-17-001

Date of Staff Recommendation Preparation: January 12, 2017

PROJECT LOCATION:	10655 & 10725 Jones Bridge Road
DISTRICT/SECTION/LANDLOT(S):	1 st District, 1 st Section, Land Lots 133, 13, 151, and 152
ACREAGE:	7.47 acres
EXISTING ZONING	AG-1 (Agricultural District)
PROPOSED ZONING:	R-5A (Single Family Dwelling District)
FUTURE DEVELOPMENT MAP DESIGNATION:	Character Area 1:Ocee
APPLICANT:	Edge City Properties, Inc. 4280 Dove Pt. Duluth, GA 30096 Contact: Mike Dye 770-814-4500
OWNER:	James Whitfield and Chinmaya Mission Alpharetta Inc. 10655/10725 Jones Bridge Road Johns Creek, GA 30022
PROPOSED DEVELOPMENT:	22-Lot Single-Family Residential Subdivision.
STAFF RECOMMENDATION:	DENIAL of RZ-17-001

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PROJECT OVERVIEW

The applicant is requesting to rezone 2 parcels along Jones Bridge Road, near West Morton Road from AG-1 (Agricultural District) to R-5A (Single Family Dwelling District) to allow for the construction of a 22-unit detached single-family residential subdivision at a density of 2.95 units/acre. The parcels combined are approximately 7.47 acres. Proposed lots would conform in size to the minimum development standards of the R-5A zoning district, and the applicant is proposing 2,200 square feet of minimum heated floor area per dwelling. The site plan indicates an ungated subdivision with the proposed point of access Jones Bridge Road, and no inter-parcel access. The Future Development Map shows the site within Character Area 1: Ocee.

Both parcels are zoned Agricultural and have single-family dwellings on them. The northeastern portion of the site is open grassed with sparse trees. The northwestern portion of the parcel abutting Jones Bridge Road is open grassed with a single family dwelling. The southern portion of this parcel is forested with a mixture of large trees. The northern property line of this parcel abuts a parcel owned by Fulton County, which houses two water towers and two telecommunications towers. The smaller parcel, furthest from the Jones Bridge Road/Taylor Road intersection, is mostly clear with a single-family dwelling located at the rear of the parcel. The property drastically slopes downward, from north to south, towards the residential properties along the southern property line.

The Gates, Wynbridge, Long Indian Creek, and Single-Family dwellings are located immediately to the north, south, east and west of the subject property. The Gates, to the south and east, is zoned R-4, has a minimum lot area of 9,000 square feet, and a maximum density of 2.2 units/acre. Wynbridge is located to the west and zoned R-3A. This subdivision has a minimum lot area of 18,000 square feet and a maximum density of 1.67 units/acre. To the northeast are 6 R-2A zoned single-family dwellings, with a minimum lot size of 27,000 square feet, and a maximum density of 1 unit per acre. Long Indian Creek is zoned R-4A, has a minimum lot size of 12,000 square feet, and a maximum density of 2.5 units per acre. The proposed 22-unit single-family subdivision is not an appropriate use for this location, as it is not harmonious in scale with the developments that surround this area with a proposed minimum lot size of 4,000-square feet and a density of 2.95 units/acre.

The applicant has stated that they anticipate the development to consist of dwelling units with a minimum of 2,200 square feet. Proposed materials include brick with stone accents. Photographs representing proposed architectural elevations have been provided. The minimum lot size in the R-5A district is 4,000-square-feet. The site plan proposes lots that range from 5,592-square-feet to up to 15,735-square-feet, with the majority of the lots being less than 10,000-square-feet (15-lots are in this range).

A neighborhood meeting was held for this application on Thursday, January 5, 2017. Approximately 12 citizens were in attendance. Several concerns were raised about the project, including issues with drainage and how much grading will have to be done to the site. Concern was also expressed over the architectural features of the single-family structures, the impact this development will have on schools, as well as where the detention will be located in relation to the subdivision, The Gates, which is located behind the subject property.

STANDARDS OF REZONING REVIEW (STEINBERG ACT)

The surrounding zoning, land uses and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-4A Conditional (1982Z-142)	Single-Family Residential Subdivision (Long Indian Creek)	2.5 Units/Acre
Adjacent: North	AG-1	Single-Family Residence	N/A
Adjacent: West/South	R-3A Conditional (1986Z-118)	Single-Family Residential Subdivision (Wynbridge)	1.67 Units/Acre
Adjacent: East/South	R-4 Conditional (1993Z-034)	Single-Family Residential Subdivision (The Gates)	2.21 Units/Acre
Adjacent: Northeast	R-2A Conditional (1979Z-007)	Single-Family Residences	1.0 Unit/Acre

- **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The City of Johns Creek Future Development Plan designates the property as Character Area 1: Ocee. The R-5A zoning classification is intended to provide land use areas devoted to medium density, single-family dwellings. The subject property is located on approximately 7.45 acres on the east side of Jones Bridge Road and south side of W. Morton Road, and surrounded by residential areas in all directions. Single-family residential development is a suitable use in view of the use and development of these adjacent and nearby properties.

- **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?**

Single-family residential development at an appropriate scale and density would be unlikely to adversely affect the existing use or usability of adjacent or nearby property in this location. The Gates subdivision, zoned R-4 Conditional, is immediately to the east and south of the subject property. The permitted density for the subdivision as a whole is 2.21 units/acre. The smaller lots in the subdivision, which are between 9,000 and 10,000-square feet, are typically found toward its northern and eastern areas, closest to the subject property. The proposed development's smaller lots, which abut the Gates subdivision, range from 5,592-square feet and to 10,337-square feet, 7 of the 9 proposed lots being 5,592-square feet. The proposed development's lot size is significantly smaller and therefore would be unsuitable in view of the use and development of these adjacent and nearby properties.

The applicant has provided photographs representing proposed architectural elevations. The Department has recommended conditions requiring primarily brick or stone facades on all residences in order to minimize any potential adverse effects on adjacent or nearby properties.

- **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?**

The subject property has a reasonable economic use as currently zoned.

- **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

The proposed development of 22 residential units would be expected to generate an increase in automobile trips and utility usage. The applicant has provided trip generation estimates of between 26 and 27 peak-hour trips.

Fulton County Schools have provided the following new student generation estimates:

School	New students	Capacity (current)	Capacity (with development)
Ocee Elementary	4 to 10	98 under	88 to 94 under
Taylor Road Middle	1 to 4	66 under	62 to 65 under
Chattahoochee High	3 to 7	6 over	9 to 13 over
TOTAL	8 to 21		

The development as proposed would be unlikely to cause an excessive or burdensome use on streets, transportation facilities, utilities, or schools. Chattahoochee High School is currently over capacity, but the proposed development will only add three to seven new students.

- **Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?**

The subject property is located in Character Area 1: Ocee on the Future Development Map. It is not located within an Activity Node or Gateway area. Policies for this area call for the city to protect existing residential property through context-sensitive infill. Single-family residential development is encouraged at one to three units/acre, “based on existing housing stock and residential regulations”. Single-family residential development at 2.95 units/acre would be in conformity with the policy and intent of the Comprehensive Plan, so long as development proceeds in such a way as to be in harmony with existing residential areas. The density of the proposed development is higher than its adjacent neighboring subdivisions.

- **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?**

Surrounding residential uses would give supporting ground for approval of single-family residential development at the densities recommended by the Comprehensive Plan.

- **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.**

The proposed single-family development will not be environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

ANALYSIS

The subject property is two agriculturally zoned parcels that currently house two single-family dwellings along Jones Bridge Road, near West Morton Road. The northern portions of both properties are sparsely populated with trees, while the southernmost points are forested with a mixture of large trees. The property is currently zoned AG-1. The adjacent property to the north is owned by Fulton County and contains two water towers and two telecommunications facilities.

Nearby and adjacent uses include several single-family detached residential neighborhoods. This area is characterized by low- to medium-density single-family residential neighborhoods, including adjacent properties immediately to the north, east, south, and west of the project site. Immediately to the south is the Gates, a single-family residentially zoned subdivision, with a density of approximately 2.2 units per acre. The Wynbridge subdivision is located to the southeast of the site, with a density of approximately 1.67 units per acre. The single-family dwellings northeast of the subject property are zoned R-2A and have a density of 1 unit per acre. To the north, on the western side of Jones Bridge Road, is the only single-family subdivision relatively close to the density in which the applicant is proposing. Long Indian Creek, which has access from both State Bridge Road and Jones Bridge Road, is zoned R-4A with a density of 2.5 units per acre. The density of this subdivision is still lower than the 2.95 units per acre that have been proposed with this application. The proposed development is not consistent in use and scale with these surrounding uses, and would likely have impacts on existing streets, transportation facilities, or utilities. Although the impact to Ocee Elementary and Taylor Road Middle School will not cause overcapacity, the 3 to 7 students attending Chattahoochee High School would cause the school to be over capacity 9 to 13 students.

The subject property directly abuts eleven single-family lots in the Gates subdivision. These lots have a minimum of 9,000-square feet, the median area of the Gates subdivision is 19,000-square feet, which is similar in size to lots further to the northeast, along Jones Bridge Road and in the Long Indian subdivision. Lots to the north and west are progressively larger with the minimum lot size being between 18,000 and 27,000-square feet. Of the 71 lots in the Gates subdivision, 20 lots are less than 10,000-square feet. In the proposed development, 15 of the 22 proposed lots are less than 10,000-square feet, with the minimum lot size being 4,000-square feet. With the overall densities of the Gates, Wynbridge, and Long Indian Creek being lower than the proposed density of 2.95 units/acre, and the existing lots being more compatible in size, the proposed density would not be suitable in view of the use and usability of adjacent and nearby properties.

The addition of open space in the village green is a benefit to the project as it creates a relief to the development, provides a useable open area for the residents of the neighborhood, and maintains the character of the surrounding neighborhoods that also feature an amenity space. Staff recommends that this area be used and maintained as landscaped, common, open space with at least one amenity feature such as a pergola with a patio, gazebo, playground, etc.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 1: Ocee. Policies for this area emphasize the protection of existing residential communities, with new residential development limited to single-family homes and “context-sensitive” infill development at one to three units/acre. The proposed development meets these guidelines for use and density, however the housing specifications submitted by the applicant are likely to have a negative impact on existing residential communities, as the proposed density is higher than adjacent single-family areas.

In conclusion, the proposed single-family residential development is consistent with the overall goals and policies of the Ocee Character Area, however is not suitable in terms of the use and development of adjacent and nearby property. Therefore, the Department of Community Development recommends **DENIAL** of Land Use Petition **RZ-17-001**.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. City of Johns Creek has one (1) planned road improvement project on Jones Bridge Road. Jones Bridge Road will be widened to four (4) lanes with a center median/turn lane from Buice Road to State Bridge Road. This project is currently under design and is a Tier 1 project on the TSPLOST list.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
 - a. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
 - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
4. Streets shall be designed to provide adequate turning radii for fire vehicles.
5. Where feasible, site drainage shall be directed to the detention pond and be piped to the existing storm drain pipe along Morton Road.
6. Owner/Developer shall repair any existing sidewalk or other infrastructure in the public right-of-way that is damaged during the construction of this project.

WATER AND SEWER

WATER:

Anticipated water demand: 270 gallons per day (gpd) per lot x 22 lots = **5,940** gallons per day (gpd).

This project is within the Fulton County Government water service jurisdiction. There is an 8 inch water line along the north side of West Morton Road and there is a 12 inch water line along the north side of Jones Bridge Road that can service this location.

SEWER:

Basin: **Big Creek**

Treatment Plant: **Big Creek**

Anticipated sewer demand: **5,346** gallons per day

There is a sanitary sewer manhole located within the southeast property boundary of the 6.483 acre tract (10725 Jones Bridge Road) (Sewer manhole # 5MBC4218770) in land lot 151, district 1-1 that can service this development.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Water Resources (Public Works) for more information.

FIRE MARSHAL

1. Shall provide a current water flow report and GPS locate all fire hydrants (latitude and longitude) by LDP submittal. New fire hydrants shall be added to the site for this proposed buildings (No hydrants have been indicated on drawings)
2. Identify water main sizes along Jones Bridge Rd and new proposed Rd on plans by LDP submittal.
3. Shall provide an approved method for fire apparatus to be able to turn around if the dead end road along lots 1, 2, and 3 exceed 150ft. The plans are not clear on the length of this roadway.
4. Mail kiosk shall be ADA compliant from parking stalls to the mail kiosk.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, zoning buffers, and any specimen recompense are to be protected and/or planted per the Guidelines.
 - a. The tree density required for this site is 20 units per acre.
 - b. Landscape strip widths and zoning buffers are determined by zoning. Landscape strips are measured from the dedicated rights-of-way or interior property lines, and the planting requirements are found in the Administrative Guidelines.
 - i. Jones Bridge Road requires a 30-foot landscape strip per the Zoning Ordinance.
 - ii. Morton Road requires a 25-foot landscape strip per the Zoning Ordinance.
 - c. Specimen-sized trees are defined as follows, and are required to be show on the land disturbance permit drawings:
 - i. Large hardwoods = 27-inch dbh (Oak, hickory, Yellow Poplar, Sweetgum, ect.)
 - ii. Large hardwood = 24-inch dbh (Beech)
 - iii. Large softwoods = 24-inch dbh (Pine, Deodar Cedar)
 - iv. Small native flowering = 10-inch dbh (Dogwood, Redbud, Sourwood)
2. Should the 25-foot landscape buffer be a requirement of zoning, it is suggested that the planting requirements follow the buffer standards as required per the Zoning Ordinance and the Administrative Guidelines.

SITE DEVELOPMENT

- 1) A land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
- 2) Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
- 3) Final Plat with Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement will be required prior to issuance of a building permit.
- 4) The western part of the parcels drains away from the proposed Stormwater Management facility. Water quality and Detention per the Development Regulations are required for this portion of the development as well.
- 5) A surface Storm Water Management Facility must have 20' landscape strip and 10' access easement around entire perimeter. An underground Storm Water Management Facility must have a 10' access easement around the perimeter of the facility. Each Storm Water Management facility including access easement and landscape strip must be totally located on individual lot.

- 6) Identify location of 20' graded access easement to Stormwater Management facility from public access location.
- 7) If a Storm Water Management facility is located along the rear of lots as discussed in pre-proposal meetings, then this facility must be in a maintenance easement that is to be maintained by the HOA and included in the Stormwater Management Maintenance Agreement. This facility and easements need to be shown on the concept plan.

HEALTH AND WELLNESS

Environmental Health Services (EHS) Comments

- The Fulton County Department of Health and Wellness requires that plats be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.
- The Fulton County Department of Health and Wellness will require that the owner/developer connect the proposed residential development to public water and public sanitary sewer which are available to the site.
- This department is requiring that all existing structures to be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.
- If this proposed development includes an existing individual on-site sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
- If this proposed development includes an existing individual onsite water supply system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

Environmental Justice (EJ) and General Public Health Comments

1. Since the proposed use of the subject property is residential, the Department of Health and Wellness does not anticipate any adverse health impacts as a result of allowing the rezoning from AG-1 District Conditional to R-5A District Conditional to develop 22-unit single-family houses.

FULTON COUNTY BOARD OF EDUCATION

Ocee ES – 4 to 10 new students

Taylor Road MS – 1 to 4 new students

Chattahoochee HS – 3 to 7 new students

Total students – 8 to 21 (estimated)

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition **RZ-17-001**.

Should the Board feel compelled to recommend the land use petition request, Staff recommends that such recommendation be subject to the following conditions:

1. Use of the subject property shall be limited to a 16-unit single-family detached residential subdivision with a minimum lot size of 10,000-square feet with a density not to exceed 2 units/acre.
2. A new site plan shall be developed with 16 units and a minimum lot size of 10,000-square feet; final approval will be subject to the review and approval of the Community Development Director.
3. All dwelling units shall consist of 50% brick or stone on all four facades with the balance being wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director.
4. Dwellings shall have a minimum heated floor area of 2,200 square feet.
5. The “village green” shall be considered the area outside of the detention pond and all of its required easements and buffers. The area shall be used and maintained as landscaped, common, open space with at least one amenity feature provided (i.e. pergola with a patio, gazebo, playground, putting green). An amenity area plan, that includes a landscape plan, is required to be submitted and shall be subject to the review and approval of the Community Development Department Director.
6. Owner/Developer shall provide no more than one (1) full access driveway from Jones Bridge Road. The curb cut location shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works. No curb cut shall be allowed from Morton Road.
7. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Jones Bridge Road fifteen feet (15’) of additional right-of-way prior to the issuance of a Land Development Permit and as approved by the City of Johns Creek Director of Public Works.
8. Where feasible, site drainage shall be directed to the detention pond and shall be piped to the existing storm drain pipe along Morton Road. Lots 1 thru 9 shall be graded such that at a minimum the front yard and one-half (1/2) of the house will drain to the subdivision street, which shall drain to the detention pond
9. Owner/Developer shall install sidewalks on both sides of the proposed internal streets.